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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA
AT ANCHORAGE

ALASKA RENT-A-CAR, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. A03-029 CV [TMB]
)	
CENDANT CORPORATION, et al.,)	
)	
Defendants.)	
_____)	

**DECLARATION OF DIANE VALLENTINE IN SUPPORT OF MOTION
FOR AN EXTENSION OF TIME TO FILE OPPOSITIONS
TO PLAINTIFF'S DISPOSITIVE MOTIONS**

1. I am an attorney for the defendants in this matter.

2. I contacted plaintiff's attorney, Chris Heaphey, on August 1, 2006 and requested an extension of time to August 11, 2006 to oppose the plaintiff's eight pending summary judgment motions.
3. When I spoke with Mr. Heaphey on August 1, he advised me that he had spoken to Jon Givens and that it would be necessary for Mr. Givens to contact the client and get approval for the extensions. Without making any definite commitment, Mr. Heaphey indicated that he did not think there would be a problem with the requested extension. I reminded Mr. Heaphey that the position of the Alaska Bar Association is that a lawyer does not need authority from his or her client to agree to extensions of time.
4. Early the morning of August 2, 2006, I learned that my co-counsel Barry Heller's father had been admitted to intensive care on the evening of August 1, 2006. Mr. Heller is the attorney coordinating the drafting of all but one of the opposition briefs, and the primary draftsman of several of the briefs.
5. I attempted to contact Mr. Givens at approximately 9:00 a.m. on August 2 to advise him of the new circumstances and to tell him that we were going to request an additional extension of time. I was advised that Mr. Givens was not yet in the office. I left him a voice mail message requesting that he call me about the extension of time.

6. When I had not heard from Mr. Givens by approximately 10:30 a.m., I again attempted to call him. I was advised that he was in a meeting.
7. When I still had not heard from Mr. Givens at approximately noon, I called Mr. Givens again and was finally able to speak to him. I briefly explained the situation with Mr. Heller's father, that Mr. Heller was the "foreman" of all of the briefs and the primary drafter of some of the briefs, and requested an extension of time to August 18th to file the oppositions. Mr. Givens and I had a fairly lengthy discussion about the deadlines. Mr. Givens communicated to me his concern over having all of his replies to our oppositions due at one time. I offered to stipulate to whatever extensions of time were necessary to reply to our oppositions. Mr. Givens asked that I find out whether any of the briefs could be filed earlier than August 18th.
8. Shortly thereafter, I called Mr. Givens back and told him that we would make every effort to get the oppositions filed as expeditiously as possible, but that we would commit to get the opposition to the motion on the Motion for Declaratory and Injunctive Relief Relating to the Breakup of Cendant Corporation filed no later than August 16, 2006, the oppositions to the motions for summary judgment on the antitrust and unfair trade practices claims filed no later than August 17, 2006, and the oppositions to the remaining five motions, all of which relate primarily to contract claims, filed no later than August 18, 2006. Mr. Givens stated that he would need to talk to his client and he would get back to me.

9. When I had not heard back from Mr. Givens at 4:45 pm, I sent Mr. Givens an e-mail with my home phone number and requested that he please get back to me about the extension of time.
10. That evening, Mr. Givens sent me the e-mail message attached as Exhibit A. Plaintiffs' counsel has indicated an unwillingness to stipulate to the requested extension of time and instead has demanded a shorter schedule that is not reasonably attainable, particularly in light of the family emergency of my colleague, Mr. Heller.
11. As demonstrated above, I have attempted to confer in good faith to obtain a stipulation for this extension of time. Because Plaintiff is unwilling to so stipulate, Defendants respectfully request that this Court grant the motion for extension of time filed herewith.
12. Until August 2, 2006, as a result of prior communications with Mr. Givens, it was my understanding that all of Defendants' opposition briefs were due on August 4th. In light of the present deadline, we request that the Court consider the motion for extension of time on an expedited basis.

DATED this 3rd day of August, 2006.

Respectfully submitted,

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By: /s/ Diane F. Vallentine
Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **Declaration Of Diane Vallentine In Support Of Motion For An Extension Of Time To File Oppositions To Plaintiff's Dispositive Motions** was served on this 3rd day of August, 2006 by PDF and U.S. First Class mail, postage prepaid, to the following counsel:

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